

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
09 Feb. 2024 1:10 PM
Lucy H. Carrillo, Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF Hawaii
_____ DIVISION

*(Write the District and Division, if any, of
the court in which the complaint is filed.)*

cc:HG/Filer (by email)

Dylan Warnicke

*(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

-against-

Gerard Neveau

*(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

Complaint for a Civil Case

Case No. 24-00064-HG-RT

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Dylan Warnicke</u>
Street Address	<u>1395 Kinoole St</u>
City and County	<u>Hilo, Hawaii County</u>
State and Zip Code	<u>Hawaii 96720</u>
Telephone Number	<u>815-603-8712</u>
E-mail Address	<u>sgtdw.gm@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Gerard Neveau</u>
Job or Title (if known)	<u>Stock Broker</u>
Street Address	<u>26157 W Lauren Dr</u>
City and County	<u>Channahon, Will County</u>
State and Zip Code	<u>Illinois 60410</u>
Telephone Number	<u>708-516-5379</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>

State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

Defendant No. 3

Name _____
Job or Title _____
(if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

Defendant No. 4

Name _____
Job or Title _____
(if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* Dylan Warnicke, is a citizen of the State of *(name)* Hawaii.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* Gerard Neveau, is a citizen of the State of *(name)* Illinois. *Or* is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The defendant as the driver of a motor vehicle assaulted the plaintiff as a pedestrian resulting in serious injuries.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attached pages

Additional Pages

III. Statement of Claim

On August 30th of 2022, 8/30/2022, Gerard Neveau, driver of a white Ford sedan with plate number AG82334, made a left turn exceeding 35 miles per hour onto Route 6 from W Bluff Rd in Channahon, Illinois that proved negligent due to: him not looking at the traffic light, him not maintaining a speed to foresee and react in his path of travel, him not keeping a proper lookout while traffic from Navajo Dr to W Bluff road had signal to proceed straight onto Bluff Rd; Gerard's vehicle made no attempt to avoid collision with Dylan Warnicke's pedestrian scooter which was almost across two lanes. Gerard then cleared the roadway infringing on Dylan's right to have proper evidence. Dylan has been unable to work after being hit directly on his hip and injured due to the turning and speed of the vehicle he will never have adequate earning potential due to permanent injuries to his head, hands, feet, hip, shoulders, and spine as well as lasting mental trauma.

IV. Relief

Dylan seeks economic damages for: his past and future medical care in the amount of \$250,000; his lost earnings covering 38 years until retirement totalling \$1,000,000; his reputational damages caused by him being marked disabled for all purposes totalling \$30,000; his in-home care totalling \$200,000; and his loss of use of various parts of his body totalling \$1,000,000.

Dylan seeks non-economic damages for: disfigurement and scarring to his head, hip, thumbs, toes, shoulder, arm, and elbow totalling \$300,000; his mental trauma including distress, humiliation, depression, and anguish totalling \$120,000; his loss of enjoyment, consortium, activities, and companionship totalling \$100,000;

Dylan seeks punitive damages in the amount of 20% of the discoverable net worth of Gerard Neveau if the case is to go before a jury in a trial.

Note: All amounts are in United States Dollars, \$.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See attached pages

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Jan. 29th, 2024.

Signature of Plaintiff

Printed Name of Plaintiff

DW
Dylan Warnicke

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address
